



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

WILLIAM B. NICKLES :
:
Complainant :
:
v. :
:
TOWN OF SEABROOK, NEW HAMPSHIRE :
:
Respondent :
:

CASE NO. M-0591:3
DECISION NO. 91-56

APPEARANCES

Representing William B. Nickles:

William B. Nickles

Representing Town of Seabrook:

Robert D. Ciandella, Esq., Counsel

BACKGROUND

William Nickles on April 19, 1991 filed an unfair labor practice against the Town of Seabrook alleging the Town had failed to grant him retroactive pay increases granted to other employees, all who are members of S.E.A. and further alleging he had made several unsuccessful attempts to contact the Town Manager to resolve the issue.

The relief requested that the Town pay certain retroactive pay increases for the period of claimants employment with the Town from January 1, 1990 through September 4, 1990

By way of answer the Town of Seabrook by counsel, Robert D. Ciandella denies that any retroactive pay increases are due Nickles', and further that PELRB has no jurisdiction over this matter as presently stated and further that procedures are available for resolution of ULP charges to members of the certified bargaining unit and not to individual employees of those units. Nickles' is not a public employee within the meaning of RSA 273-A:1 as he was not a public employee when the CBA was completed and retroactive pay approved by the Town, and further that if Nickles' question is interpretation of the CBA, it is for Nickles' to prove the matter under the grievance procedure of the CBA and further filed Motion for Dismissal of the complaint as the complainant was not specific about what provisions of 273-A:5 were violated and as alternative Nickles' be directed to pursue the matter under the grievance procedure.

Hearing was held on August 8, 1991 at the office of the PELRB in Concord, New Hampshire.

DECISION AND ORDER

After opening statements, the Board recessed to consider the documents submitted and orders as follows:

1. The Town's Motion to Dismiss is taken under advisement without ruling.
2. PELRB will retain jurisdiction of this case.
3. Parties are ordered to meet and discuss the issues of the complainant.
4. Parties will report to PELRB No later than September 15, 1991 the results of the discussions.

Signed this 15th day of August, 1991.


EDWARD J. HASELTINE
Chairman

By unanimous vote. Chairman Edward J. Haseltine presiding, Members Seymour Osman and E. Vincent Hall present and voting.